

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG DIVISION

ELECTRONICALLY  
FILED  
Aug 31 2022  
U.S. DISTRICT COURT  
Northern District of WV

ROBERT TURNER and PEGGY TURNER,  
Husband and Wife,

CIVIL ACTION

No.: **3:22-CV-149 (Groh)**

Plaintiffs,

vs.

**JURY TRIAL DEMANDED HEREIN**

MGI LEASING, INC., an Iowa Corporation,  
and JOHN ANDREW GOFF,

Defendants.

**NOTICE OF REMOVAL**

Now comes Defendant, MGI Leasing, Inc., by and through the undersigned counsel, and hereby removes the above-captioned lawsuit pursuant to 28 U.S.C. § 1441, et seq. from the Circuit Court of Jefferson County, West Virginia to the United States District Court for the Northern District of West Virginia, and in support thereof, avers as follows:

1. Plaintiffs, Robert and Peggy Turner, initiated this lawsuit in the Circuit Court of Jefferson County, West Virginia at Civil Action No. 19-2022-C-77 (copies of the docket and all pleadings and process filed in the State Court action are attached hereto as Exhibit "A").

2. The Complaint names Defendants, MGI Leasing, Inc., an Iowa Corporation, and John Andrew Goff.

3. The Complaint asserts complaints sounding in negligence relative to an accident that occurred on or about February 18, 2022 in Charles Town, Jefferson County, West Virginia.

4. Per the Complaint, Plaintiff, Robert Turner, claims to have suffered severe and permanent personal injuries and related damages relative to the subject accident.

5. Further, per the Complaint, Plaintiff, Peggy Turner, alleges to have suffered, and claims to continue to suffer a loss of spousal consortium, for which she seeks damages.

6. Further, per the Complaint, Plaintiff, Robert Turner, alleges that he has had to endure and can be expected to endure physical and emotion pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, annoyance and inconvenience, permanency of injury, and other damages as a direct and proximate of the subject accident.

7. Plaintiff, Robert Turner, alleges that he has had to undergo medical treatment as a result of the subject accident, and also alleges that medical expenses were incurred relative to that treatment. Further, Plaintiff, Robert Turner, alleges that he is likely to require medical treatment into the future for the injuries he claims to have suffered as a result of the subject accident. Further, Plaintiff, Robert Turner, alleges that he has incurred a lost or diminished capacity to perform household and other services, and has lost other economic damages as a direct and proximate result of the subject accident.

8. Further, Plaintiffs allege loss of use of their vehicle as a result of the subject accident.

9. Per the Complaint, Plaintiffs are residents of the State of West Virginia.

10. Defendant, MGI Leasing, Inc. is an Iowa Corporation, with its principal place of business located at 2099 Southpark Court, Dubuque, Iowa 52003.

11. Defendant, John Andrew Goff, is and at all times relevant was, a resident of the State of Maryland.

12. The above-captioned action, pending in the Circuit Court of Jefferson County, West Virginia, is within the jurisdiction of the United States District Court for the Northern District of West Virginia.

13. The United States District Court for the Northern District of West Virginia has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 in as much as the amount in controversy exceeds the amount of \$75,000, exclusive of interest and costs, and is between citizens of different states.

14. This action is removal to the U.S. District Court for the Northern District of West Virginia pursuant to the provisions of 28 U.S.C. § 1441, et seq.

15. Concurrent with the filing of this Notice of Removal, Defendant has filed a Notice of Filing of Notice of Removal with the Clerk of Circuit Court of Jefferson County, West Virginia, advising that it has removed this action to the United States District Court for the Northern District of West Virginia.

16. To date, Defendant, John Andrew Goff has not been served with a copy of the Complaint, and as such, consent from removal of this Defendant is not required at this time.

17. In filing this Notice of Removal, Defendant does not waive any affirmative defenses that it may assert in this action.

WHEREFORE, Defendant respectfully requests that this Court removal this matter from the Circuit Court of Jefferson County, West Virginia to the United States District Court for the Northern District of West Virginia.

PION, NERONE, GIRMAN, WINSLOW  
& SMITH, P.C.

By: /s/ Jordan C. Hettrich  
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Counsel for Defendant,  
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**CERTIFICATE OF SERVICE**

I, Jordan C. Hettrich, Esquire, hereby certify that a true and correct copy of the foregoing NOTICE OF REMOVAL was served upon counsel of record via the Court's ECF filing system, this 31st day of August, 2022, as follows:

Mark E. Troy, Esquire (WVSB #6678)  
Morgan & Morgan  
222 Capitol Street, Suite 200A  
Charleston, WV 25301  
*Counsel for Plaintiffs*

PION, NERONE, GIRMAN, WINSLOW  
& SMITH, P.C.

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